SENATE JOURNAL

TWELFTH DAY

MORNING SESSION

FEBRUARY 1, 2008

The Senate was called to order at 10:10 a.m., with President John Valentine presiding.

Prayer – Former State Senator Patrice Arent Pledge of Allegiance – Senator Fred Fife Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 8)

INTRODUCTION OF BILLS

- **S.B. 84**, **Net Metering Programs** (K. VanTassell), read the first time by short title and referred to the Rules Committee.
- **S.B. 89**, **Preventing Catastrophic Wildland Fires** (D. Stowell), read the first time by short title and referred to the Rules Committee.
- **S.B. 90**, **Payment in Lieu of Property Taxes Act** (G. Davis), read the first time by short title and referred to the Rules Committee.
- **S.B. 189**, **Independent Contractor Database** (D. Eastman), read the first time by short title and referred to the Rules Committee.
- **S.B. 190**, **Public Classroom Displays** (A. Christensen), read the first time by short title and referred to the Rules Committee.
- **S.B. 191, Judicial Conduct Commission Amendments** (G. Davis), read the first time by short title and referred to the Rules Committee.
- **S.B. 192**, **Sex Offense Amendments** (J. Greiner), read the first time by short title and referred to the Rules Committee.
- **S.B. 193**, **Election Law Changes** (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 194, **Metal Theft Amendments and Penalties** (J. Greiner), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

H.B. 63, RECODIFICATION OF TITLE 63 STATE AFFAIRS IN GENERAL, was read the third time, explained by Senator Bell, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Fife
Greiner	Hickman	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Walker Valentine

Absent or not voting were: Senators

Eastman Goodfellow Stephenson

H.B. 63 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

CONSENT CALENDAR

1st Sub. H.B. 24, AMENDMENTS TO UTAH DIGITAL HEALTH SERVICE COMMISSION ACT, was read the third time, explained by Senator Knudson, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stowell	Van Tassell
Woddowns	Wolker	Valentine	

Waddoups Walker Valentine

Absent or not voting were: Senators

Goodfellow Stephenson

1st Sub. H.B. 24 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

H.B. 16, MEDICAID COVERAGE FOR CERTAIN TELEHEALTH SERVICES, was read the third time, explained by Senator Christensen, and passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

H.B. 16 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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H.B. 21, EMPLOYMENT SECURITY ACT AMENDMENTS, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

H.B. 21 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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S.B. 34, CONFIDENTIALITY OF REPORTS TO DRIVER LICENSE DIVISION, was read the third time, explained by Senator Christensen, and passed on the following roll call:

Yeas, 20; Nays, 9; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Eastman	Greiner	Hillyard	Jones
Killpack	Madsen	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Voting in the negative were: Senators

Davis	Dayton	Dmitrich	Fife
Goodfellow	Hickman	Jenkins	Knudson
Mayne			

S.B. 34 was transmitted to the House for consideration.

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S.B. 130, UTILITY IMPROVEMENT DISTRICT REVISIONS, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Bramble Stephenson

S.B. 130 was transmitted to the House for consideration.

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1st Sub. S.B. 21, CAMPAIGN FINANCE DISCLOSURE REVISIONS, was read the third time.

On motion of Senator Knudson, the bill was circled.

* * *

2nd Sub. S.B. 32, LOCAL GOVERNMENT BONDING ACT – PUBLIC HEARINGS, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Bramble Stephenson

2nd Sub. S.B. 32 was transmitted to the House for consideration.

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S.B. 123, FILLING VACANCIES IN THE SENATE, was read the third time and explained by Senator Hickman.

Senator Hickman proposed the following amendment:

- Page 1, Lines 21 through 22
 Senate 2nd Reading Amendments 1–31–2008
 - 21 Other Special Clauses:
 - 22 {None } This bill provides an immediate effective date.

- 2. Page 2, Line 41
 Senate 2nd Reading Amendments
 1–31–2008:
 - 41 liaison of the same political party as the prior senator.

Section 2. Effective date.

If approved by two-thirds of all the members elected to each house, this bill takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.

Senator Hickman's motion to amend passed on a voice vote. Senator McCoy commented and the bill passed on the following roll call:

Yeas, 21; Nays, 5; Absent, 3.

Voting in the affirmative were: Senators

Buttars	Davis	Dayton	Dmitrich
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	Niederhauser
Peterson	Romero	Stowell	Walker
Valentine			

Voting in the negative were: Senators

Bell Eastman McCoy Van Tassell

Waddoups

Absent or not voting were: Senators

Bramble Christensen Stephenson

S.B. 123, as amended, was transmitted to the House for consideration.

* * *

On motion of Senator Niederhauser the Senate voted to lift **H.B. 52**, RESEARCH ACTIVITIES TAX CREDITS AMENDMENTS, from the Third Reading Table and place it at the top of the Third Reading Calendar.

H.B. 52, RESEARCH ACTIVITIES TAX CREDITS AMENDMENTS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Christensen Stephenson

H.B. 52 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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S.B. 31, INCOME TAX AMENDMENTS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Volentine	

Waddoups Walker Valentine

Absent or not voting were: Senators

Hickman Killpack

S.B. 31 was transmitted to the House for consideration.

* * *

S.B. 96, MULTI-CHANNEL VIDEO OR AUDIO SERVICE TAX ACT AMENDMENTS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups

Walker Valentine

Absent or not voting were: Senators

Bramble Hickman Killpack

S.B. 96 was transmitted to the House for consideration.

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S.B. 52, IDENTITY THEFT AMENDMENT, was read the third time.

On motion of Senator Walker, the bill was circled.

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S.B. 94, BURGLARY OF A RAILROAD CAR, was read the third time.

On motion of Senator Peterson, the bill was circled.

* * *

S.B. 114, NOTARY PUBLIC REVISION, was read the third time, explained by Senator Bell, and passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Knudson	Madsen	Mayne
McCoy	Peterson	Romero	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting were: Senators

Bramble	Hickman	Killpack	Niederhauser
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Stephenson

S.B. 114 was transmitted to the House for consideration.

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On motion of Senator Van Tassell, the circle was removed from **S.B. 110**, FOREIGN BUSINESS ENTITIES AND TRIBAL LAW, and it was before the Senate. Senator Van Tassell explained the bill.

On motion of Senator Van Tassell, the following substitute bill replaced the original bill:

1st Sub. S.B. 110 Foreign Business Entities and Tribal Law (K. Van Tassell)

On motion of Senator Van Tassell, the bill was circled.

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S.B. 124, SALES AND USE TAX – DEFINITIONS OF PERMANENTLY ATTACHED TO REAL PROPERTY AND TANGIBLE PERSONAL PROPERTY, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Buttars	Davis	Dayton
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hillyard	Jenkins	Jones
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting were: Senators

Bramble Christensen Hickman Killpack Stephenson

S.B. 124 was transmitted to the House for consideration.

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S.B. 120, DEPARTMENT OF CORRECTIONS EMPLOYEE VEHICLE USE, was read the third time, explained by Senator Peterson, and passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Bell	Buttars	Davis	Dayton
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hillyard	Jenkins	Jones
Knudson	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Waddoups
Walker	Valentine		

Absent or not voting were: Senators

Bramble	Christensen	Hickman	Killpack
Madsen	Stowell	Van Tassell	

S.B. 120 was transmitted to the House for consideration.

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S.B. 122, UNIFORM ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS JURISDICTION ACT, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Bell	Buttars	Davis	Dayton
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hillyard	Jenkins	Jones
Knudson	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Waddoups
Walker	Valentine	_	•

Absent or not voting were: Senators

Bramble	Christensen	Hickman	Killpack
Madsen	Stowell	Van Tassell	

S.B. 122 was transmitted to the House for consideration.

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S.B. 58, WORKERS' COMPENSATION RELATED AMENDMENTS, was read the third time, explained by Senator Dmitrich, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting	in	the	affirmative	were:	Senators
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Bell	Buttars	Davis	Dayton
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hillyard	Jenkins	Jones
Killpack	Knudson	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

Valentine

Absent or not voting were: Senators

Bramble Christensen Hickman Madsen

S.B. 58 was transmitted to the House for consideration.

SECOND READING CALENDAR

S.B. 68, WORKERS' COMPENSATION – DEATH BENEFITS, was read the second time. Senator Mayne explained the bill. Senators Greiner, Bell, and Valentine commented. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Knudson	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting were: Senators

Christensen Hickman Killpack Madsen

Stowell

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1st Sub. S.B. 56, NATUROPATHIC PHYSICIAN AMENDMENTS, was read the second time. Senator McCoy explained the bill. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Eastman	Fife	Goodfellow
Greiner	Hickman	Jenkins	Jones
Knudson	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Davis	Dmitrich	Hillyard	Killpack
3.6.1	C 11		

Madsen Stowell

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S.B. 62, HEALTH INSURANCE – MEDICAL COMPLICATION EXCLUSIONS, was read the second time. Senator Knudson explained the bill. Senators Valentine and Greiner commented. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Knudson	Mayne
McCoy	Niederhauser	Peterson	Romero
Stephenson	Van Tassell	Waddoups	Walker
Valentine			

Absent or not voting were: Senators

Christensen	Killpack	Madsen	Stowell
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On motion of Senator Niederhauser, the circle was removed from **1st Sub. H.B. 77**, PERSONAL PROPERTY TAX AMENDMENTS, and it was before the Senate. Senator Niederhauser explained the bill.

On motion of Senator Niederhauser, the bill was circled.

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On motion of Senator Hillyard, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Hillyard, the circle was removed from **S.B. 52**, IDENTITY THEFT AMENDMENT, and it was before the Senate. Senator Hillyard explained the bill.

Senator Hillyard proposed the following amendment:

- 1. Page 1, Line 12:
 - 12 ► {-authorizes-} directs the court to order restitution to the victim of an identity fraud offense or state on the record why restitution is not appropriate;
- 2. Page 3, Lines 66 through 67:
 - 66 (5) When a defendant is convicted of a violation of this section, the court {-may } shall order the
 - 67 <u>defendant to make restitution to any victim of the offense</u> <u>or state</u> <u>on the record the reason the court does not find ordering restitution to be</u> <u>appropriate</u> <u>.</u>
 - (6) Restitution under Subsection (5) may include:

Senator Hillyard's motion to amend passed on a voice vote. The bill, as amended, passed on the following roll call:

Yeas, 20; Nays, 0; Absent, 9.

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Dmitrich	Eastman	Fife	Goodfellow
Hickman	Hillyard	Jenkins	Jones
Knudson	Mayne	Niederhauser	Peterson
Romero	Stephenson	Van Tassell	Walker

Absent or not voting were: Senators

Bell	Bramble	Greiner	Killpack
Madsen	McCoy	Stowell	Waddoups

Valentine

S.B. 52 was transmitted to the House for consideration.

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On motion of Senator Hillyard, the Senate voted to move to Second Reading Calendar.

SECOND READING CALENDAR

S.B. 66, UNIFORM EMERGENCY VOLUNTEER HEALTH PRACTITIONERS ACT, was read the second time. Senator Hillyard explained the bill. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Bramble	Christensen	Dayton	Dmitrich
Eastman	Fife	Goodfellow	Greiner
Hickman	Hillyard	Jenkins	Jones
Knudson	Mayne	Niederhauser	Peterson
Romero	Stephenson	Van Tassell	Waddoups
Walker	Valentine		

Absent or not voting were: Senators

Bell	Buttars	Davis	Killpack
Madsen	McCoy	Stowell	

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On motion of Senator Jenkins, the Senate voted to move **1st Sub. S.B. 144**, PARAMETERS ON GOVERNOR'S ABILITY TO ENTER AGREEMENTS BINDING THE STATE, to the top of the Second Reading Calendar.

1st Sub. S.B. 144, PARAMETERS ON GOVERNOR'S ABILITY TO ENTER AGREEMENTS BINDING THE STATE, was read the second time. Senator Jenkins explained the bill. Senators Jones, Bramble, and Romero commented. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 2; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Killpack	Knudson
Madsen	Mayne	Niederhauser	Peterson
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Walker Valentine

Voting in the negative were: Senators

Jones Romero

Absent or not voting was: Senator

McCoy

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S.B. 146, AMENDMENT TO UNIFORM ANATOMICAL GIFT ACT, was read the second time. Senator Hillyard explained the bill. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Dayton
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jenkins
Jones	Knudson	Madsen	Mayne
Niederhauser	Peterson	Romero	Stephenson
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting were: Senators

Buttars Davis Killpack McCoy

Stowell

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On motion of Senator Bramble and at 12:00 p.m., the Senate adjourned until 10:00 a.m., Monday, February 4, 2008.

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S.B. 40 STATE T	RADE DATABASE (M. Madsen)
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